

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KRISTOPHER KEALOHA,

Plaintiff,

v.

No. CV 11-280 JP/LFG

NEW MEXICO DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

ORDER DENYING APPOINTMENT OF COUNSEL

THIS MATTER is before the Court on Plaintiff's *Motion for Appointment of Counsel Pursuant to 28 U.S.C. § 1915(E)(1)* [Doc. 14], filed September 9, 2011. Because the Court has now considered and denied two previously filed, nearly identical motions, the Court treats the instant motion as one for reconsideration. [See Docs. 9-12].

There is no constitutional right to court-appointed counsel in a civil case; instead, any such appointment is left to the Court's discretion. Johnson v. Johnson, 466 F.3d 1213, 1217 (10th Cir. 2006). Accordingly, this Court has once again considered "the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims." Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995) (*quoting Williams v. Meese*, 926 F.2d 994, 996 (10th Cir. 1991)). The case, as it currently presents itself, does not appear to raise complex or novel issues of law that might justify the appointment of counsel. Moreover, notwithstanding his assertions to the contrary, Mr. Kealoha continues to seem to understand the issues in the case and to be representing himself in an intelligent and capable manner. For these reasons, the motion will be denied at this time.

IT IS, THEREFORE, ORDERED that Plaintiff's *Motion for Appointment of Counsel Pursuant to 28 U.S.C. § 1915(E)(1)* [Doc. 14] is **DENIED**.

Lorenzo F. Garcia 9/14/2011
LORENZO F. GARCIA
UNITED STATES MAGISTRATE JUDGE